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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/079,640	05/15/1998	HENRY DANIELL	922.6588P	8567
29847	7590	04/13/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE 390 N. ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			FOX, DAVID T	
			ART UNIT	PAPER NUMBER
			1638	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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040705

DATE MAILED:

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**Commissioner for Patents**

Art Unit: 1638

Attachment to summary of interview:

Applicant's representative urged that enablement was met, based upon 1) knowledge of other transcriptionally active chloroplast spacer regions at the time of filing; 2) success of instant invention; 3) post-filing success of other workers in inserting transgenes into a variety of chloroplast spacer regions, including transcriptionally active, inactive and read-through spacer regions. Tables listing references were supplied. Some of the references had not been previously provided to Examiner; Applicant's representative will provide in IDS to be filed. Examiner indicated that it would be helpful to see results where transcriptionally active regions were used.

Applicant indicated that Staub et al 1995 utilized read-through versus transcriptionally active region. Applicant's representative indicated intent to amend claims to positively recite that the flanking regions in fact were derived from transcriptionally active regions; Examiner indicated that such an amendment would be helpful in overcoming art rejection. Examiner also requested a Rule 132 declaration demonstrating the differences between read-through and transcriptionally active regions, including the higher level of transcription efficiency by the latter, due to the absence of intervening terminators.

Examiner reiterated the specification's support for "transcriptionally active" spacer regions in the specification.

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180-1638

